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RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2006 JUN 23 P 12:43

June 22, 2006

Jeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 5739

Dear Mr. Jordan:

On behalf of respondent Eastside DFA, I hereby submit Eastside DFA's response to the complaint herein and respectfully request that the Commission dismiss the complaint and close this MUR.

Eastside DFA's response is set forth in the enclosed Affidavit of Andrew Tsao. As his affidavit explains, Mr. Tsao is one of the two organizers of Eastside DFA. In short summary, Mr. Tsao explains that the Darcy Burner video was "entirely a volunteer . . . effort" involving minimal costs and no coordination of significance between Eastside DFA and the Burner campaign.

Mr. Tsao's affidavit makes it clear that The Washington State Republican Party's complaint contains numerous factual errors and unwarranted suppositions. Under the pretense of "raising issues," the Republicans' complaint in effect alleges that Eastside DFA is a PAC, a "shadowy 527 group," and/or a corporation. As Mr. Tsao explains, Eastside DFA is none of these things. Eastside DFA is a small, grassroots group that happens to have a successful film, television and theater director as one of its two principals. In addition, the Republicans' complaint implies that significant sums must have been expended in producing such a professional-looking video. Again, that is not true. The reason the video in question has a professional appearance is simply because it was created by the volunteer efforts of a skilled professional director. In short, the Republican's complaint is unfounded because the video did not involve a contribution, either direct or in-kind, in excess of regulatory limits or in violation of FEC rules.

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If I can provide any further information of interest to the Commission with respect to this matter, please do not hesitate to call upon me.

Very truly yours,

Kenneth R. Searce

Encl.

cc: Eastside DFA (c/o Rich Erwin and Andrew Tsao)

27044163697

BEFORE THE FEDERAL ELECTION COMMISSION

In re

MUR 5739

FEDERAL ELECTION COMMITTEE
COMPLAINT AGAINST DARCY
BURNER FOR CONGRESS, DATED
APRIL 11, 2006 and ANDREW TSAO, AS
CO-ORGANIZER, EASTSIDE DFA

AFFIDAVIT OF ANDREW TSAO

I, Andrew Tsao, do depose and state as follows:

1. My name is Andrew Tsao. I am the Co-organizer of Eastside Democracy for America and producer of the video materials mentioned in the Washington State FEC complaint dated April 11, 2006. I am a private citizen and registered Democrat who resides in Bellevue, Washington. Through my position, I am familiar with the day-to-day operations of Eastside Democracy for America. I have reviewed the complaint in the above-referenced matter.

2. Eastside Democracy for America, founded in 2004, is a citizens group of Progressive minded Americans living in the Bellevue and surrounding areas of Washington State.

3. Eastside Democracy for America is not a 527, PAC, non-profit organization, company or corporation of any kind. Rather, Eastside Democracy for America is an informal group of approximately 75 private citizens who gather regularly to work together towards an equitable, just, free and economically sustainable America by taking local action towards that goal.

4. Eastside Democracy for America was inspired by the grassroots efforts of the Howard Dean campaign in 2004, and by the PAC Democracy for America ("DFA"). However, Eastside Democracy for America has no affiliation, legal or organizational, with Democracy for America. It conducts no regular business with, receives no regular funds from, pays no funds to, nor is beholden to any mandate, policy or program, of DFA. We raise no money, do not have a budget, and do not make disbursements in any sort of organized fashion beyond what individuals choose to pay for in connection with particular projects with their own funds. Eastside

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Democracy for America uses freely available tools that are posted on the DFA website for organizing, identification and political activities.

5. The October 10, 2005 campaign event referenced in paragraph 4 of the complaint was an Eastside Democracy for America meeting held at the Northwest Arts Center. I rented the Center for two hours in my own name at a total cost of \$50, and paid for it with my own personal funds. See Exhibit A. This \$50 charge is a special fee for Bellevue residents. I know of no basis whatsoever for any claim that the Center was reserved for over \$100 per hour as alleged in the complaint. This event did not have any catering or other expenses of any kind beyond the \$50 rental fee for the venue.

6. The October 10, 2005 event was a candidate forum held by Eastside Democracy for America for which Darcy Burner accepted an invitation to speak to our group members, present her platform, and take questions from attendees. Darcy Burner was the only candidate to attend the forum, although her Democratic Primary challenger, Randy Gordon, had been invited. I personally filmed this event, edited the video, and burned approximately 80 copies on to DVD's. Of these DVD's, I made 15-20 available to the campaign of Darcy Burner for Congress to use as they saw fit, at no cost. The remaining 60 or so were retained and provided free of charge to any group, citizen or organization wishing to view the videos.

7. The only coordination that occurred between Eastside Democracy for America and the Darcy Burner for Congress campaign regarding the October 10, 2005 event was related to the logistics of the event itself, such as selecting a mutually convenient date.

8. Eastside Democracy for America is not affiliated with Democracy for Washington, a state PAC. The Democracy for Washington website posted an announcement that the October 10, 2005 event would be taking place in order to reach Eastside Democracy for America members who participate as private individuals in both organizations.

9. I produced a second video involving Darcy Burner in late February, 2006. The video includes footage of Darcy Burner speaking in her home, office, and to Washington Legislative District 31 in Auburn. The material was similar to the October 10, 2005 video, but included an interview. The purpose of this video was to introduce Darcy Burner to people who attended Eastside Democracy for America events. I made approximately 100 DVD copies, 70 of which were made available to any group, citizen or organization who wished to view them free of charge. I furnished the remaining 30 copies to the Darcy Burner for Congress campaign, free of charge, to use as they desired.

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10. I incurred no expenses in shooting the February, 2006 video. I only used equipment that I already owned for the filming and editing. The video was my idea, which I presented to the campaign in my capacity as a volunteer.

11. The "email" referenced in Paragraph 7 of the complaint was in fact a website posting that I made to notify Eastside Democracy for America members of my recent activities. Postings such as this are done to update each other about all of the group members' activities. The posting's reference to 30 videos being distributed to "LD's" refers to the 30 DVD's of the February, 2006 event that I made available to the campaign, which I understand were then given to 30 Legislative District Caucuses. In Washington State, precincts meet in a caucus on one day. This video was apparently used as a means of introducing Darcy Burner, because she could not be physically present at all of them.

12. While I am not a professional video editor, I do own all of the necessary equipment and have extensive experience in the industry through my many years of working on such productions as the television program "Friends", which I directed.

13. The costs I incurred in producing both videos mentioned in the FEC complaint include: \$97 to purchase 100 DVD's, \$50 rental fee for the Northwest Arts Center, and \$19.57 to purchase 50 jewel cases. The rest of the approximately 80 DVD's I made and their jewel cases, were materials that I already owned, and were of similar quality as the above materials. Thus, the fair market value of 80 DVD's at \$.97 per DVD with tax is \$77.60 and 130 jewel cases at \$.39 per case with tax is \$50.70. Thus, the total expenses to me were \$294.87, all of which were paid with my personal funds. See Exhibits A and B.

14. I was not paid for my efforts, nor did anyone involved receive any payment for their services. Further, neither I nor anyone involved intend to receive any future compensation, financial or otherwise, from this endeavor. This was entirely a volunteer, grassroots effort, with no involvement by any corporation, PAC, 527 or non-profit organization.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on June 19, 2006.



Andrew Tsao

Debra Parrish
Notarized by

6/19/06
Date

EXHIBIT A

27044163701



Rental Contract / Permit By Date

Printed: 14-Jun-06, 01:42 PM

User: vbarrett

Contract #: 13247
Date: 22-Nov-05

User: dwells
Status: Closed

Andrew Tsao

Bellevue-WA-98004

City of Bellevue, hereby grants Tsao, Andrew (hereinafter called the "Licensee") represented by Andrew Tsao, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

i) Purpose of Use Meeting

ii) Conditions of Use RENTAL TIMES INCLUDE SETUP AND CLEANUP.

iii) Date and Times of Use # of Bookings: 1 Starting: Mon 10 Oct 05 06:30 PM
Ending: Mon 10 Oct 05 08:30 PM

Facility	Day	Start Date	Start Time	End Date	End Time	Function	Fee	Extra Fee	Total
Northwest Arts Center Site - Studio B	Mon	10-Oct-05	06:30 PM	10-Oct-05	08:30 PM	General Rental	\$50.00	\$0.00	\$50.00

iv) Additional Fees

v) Payment Method

Rental Fees	Extra Fees	Rental Total	Damage Deposit	Total Applied	Balance	Current
\$50.00	\$0.00	\$50.00	<returned>	\$50.00	\$0.00	\$0.00

Complete payment of \$50.00 due on Wednesday, September 28, 2005

Date	Amount
Sunday, Sep 25, 2005	\$50.00
Damage deposit Payable By: 28-Sep-05	

Payment Type	Reference	Amount	Date	Receipt Number
Master Card	Deposit	\$250.00	28-Sep-05	133455
Master Card	Deposit	(\$250.00)	28-Sep-05	133455
Check	Rental	\$50.00	28-Sep-05	133455

vi) Other Information

The undersigned has read and on behalf of the Licensee agrees to be bound by this Permit/License and the Terms and Conditions contained herein and attached hereto, and hereby warrants and represents that he/she executes this Permit/License on behalf of the Licensee and has sufficient power, authority and capacity to bind the Licensee with his/her signature.

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EXHIBIT B

27044163703

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OFFICE DEPOT
100 108TH AVENUE, NE
BELLEVUE WA 98004
425-45-2900

SALE
02/23/06 14 40 EMP 4671.5 101.5 000

STOCKING

619669015732 SANDISK 512MB FL SH

1 @ 24.99 24.99

03470709029 CD JEWEL CASE SUPK

1 @ 17.99 17.99

071641614093 MECI PNCL /MM, SPK

1 @ 3.59 3.59

685442216211 HMNR 1" 114-10 CULU

1 @ 3.79 3.79

735854052201 PEN, K/L, LET JPK BLK

1 @ 5.19 5.19

02394291537 DVD-R, PK111T 100PK

1 @ 89.99 89.99

669245602402 EXCC, MULTIF (1) BK

1 @ 169.99 169.99

PROMO DISC \$OFF -25.00

You Pay 144.99

SUBTOTAL 290.57

W/ 8.80% SALES TAX 25.57

TOTAL 316.10

MASTERCARD 316 10

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